

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN D. PADGETT, as Administrator of the	)	
Estate of John D. Padgett II, deceased,	)	
	)	
	)	
Plaintiff,	)	
vs.	)	No. 04-cv-4078-JPG
	)	
JAMES MICHAEL RIDEN and THOMAS	)	
PERKINS,	)	
	)	
	)	
Defendants.	)	

**ORDER**

This matter comes before the Court on defendant James Michael Riden's motion for judgment on the pleadings (Doc. 50). For the reasons stated at the June 1, 2005, telephone status conference, the Court **CONSTRUES** the motion as a motion to dismiss the complaint, **GRANTS** the motion, **DISMISSES** the complaint and **ORDERS** that plaintiff John D. Padgett shall have up to and including June 22, 2006, to file an amended complaint alleging his appointment as administrator of the estate of John D. Padgett II, deceased, and attaching his letters of office. Such amended pleading shall relate back to the filing of the original complaint for statute of limitations purposes. *See, e.g., Glickstein v. Sun Bank/Miami, N.A.*, 922 F.2d 666, 671-72 (11th Cir. 1991); *Pavlov v. Konwall*, 447 N.E.2d 982 (Ill. App. Ct. 1983).

**DATE: June 5, 2006**

s/ J. Phil Gilbert  
**Hon. J. Phil Gilbert**  
**U.S. District Court Judge**